

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 – DEPARTMENT OF AGRICULTURE P.O. Box 790, Boise, ID 83701-790

Docket No. **02-0631-9901**, Noxious Weed Free Forage and Straw Certification Rules. Renames rules to include noxious weed free; deletes obsolete provisions on certification of forage pellets and for "transit load tags"; clarifies certification of baled and cubed forage or straw; and establishes a fee schedule that may be charged by certifying agent. Comment By: 9/22/99.

IDAPA 10 – BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS 600 S. Orchard, Suite A, Boise, ID 83705-1242

Docket No. **10-0101-9901**, Rules of Procedure. Changes the title of Executive Secretary to Executive Director; establishes the equivalency of graduation from an approved engineering curriculum; requirements to be considered "exceptional" under statute to qualify for waiver of the fundamentals of engineering examination; and requirement for evaluation of foreign engineering degrees. Comment By: 9/22/99.

Docket No. **10-0102-9901**, Rules of Professional Responsibility. Changes the title of Executive Secretary to Executive Director. Comment By: 9/22/99.

IDAPA 11 – DEPARTMENT OF LAW ENFORCEMENT P.O. Box 1177, Meridian, ID 83680-1177

Docket No. **11-0402-9901**, Rules Governing Simulcasting, Idaho Racing Commission. Implements regulations governing the health and welfare of racing greyhounds in jurisdictions whose races are transmitted to Idaho facilities for pari-mutuel wagering. Comment By: 9/22/99.

IDAPA 15 – OFFICE OF THE GOVERNOR - IDAHO COMMISSION ON AGING 3380 Americana Terrace, Suite 120, PO Box 83720, Boise, ID 83720-0007

Docket No. **15-0101-9901**, Rules Governing Senior Services Program. Changes definitions for the following terms: Area Agency on Aging, Certified Care Manager, chore services, and Respite; adds statement of work, program review, and processes for termination to "Performance-Based Agreement" definition; removes caregiver from general eligibility requirements for senior services and adds them to eligibility requirements for Respite only; clarifies requirement for client assessments by listing services for which the UAI is required; clarifies that Dept. of Health and Welfare determines eligibility for PCS services; eliminates pre-screening component of the UAI; changes references from "care coordination" to "case management". Comment By: 9/22/99.

Docket No. **15-0102-9901**, Rules Governing Area Agency Adult Protection Services. Requires area agencies to provide adult protective services as a direct service, with no option for waiver. Comment By: 9/22/99.

Docket No. **15-0120-9901**, Rules Governing Area Agency on Aging (AAA) Operations. Each area agency on aging shall submit an area plan and an annual update by May 15 of each year. Comment By: 9/22/99.

Docket No. **15-0121-9901**, Rules Governing Older Americans Act Services. Clarifies the role and responsibilities of Information and Assistance services as they relate to Adult Protection and case management services. Comment By: 9/22/99.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE P. O. Box 83720, Boise, ID 83720-0036

Docket No. **16-0105-9901**, Rules and Standards for Hazardous Waste. Updates rules so that they are consistent with revisions to the federal RCRA regulations; makes corrections to federal regulation citations; updates requirements of Section 997, Confidentiality of Records. Comment By: 9/22/99.

Docket No. **16-0107-9901**, Rules for Construction and Operation of Public Swimming Pools in Idaho. Proposed repeal of existing chapter. Comment By: 9/22/99.

Docket No. **16-0109-9901**, Rules Regulating Swine and Poultry Facilities. New chapter establishes permit process for swine and poultry facilities having the one-time animal unit capacity of 2,000; provides for submission of an application

containing specified information, sets performance standards for liquid storage impoundments, sets out an application procedure, and provides for general permit conditions and specific permit conditions. Comment By: 10/1/99.

Docket No. **16-0204-9901**, Rules Governing Emergency Medical Services Account III Grants. New chapter specifies eligibility criteria, application process, and distribution methodology to be used by the EMS Bureau in the award of these grants. Comment By: 9/22/99.

Docket No. **16-0214-9901**, Rules Governing Construction and Operation of Public Swimming Pools in Idaho. Chapter rewrite changes swimming pool classifications; addresses geothermal swimming pools' unique water problems; the concerns of the industry on lifeguard and responsible person requirements; and the need of the industry to have engineering and architectural self certification for new construction. Comment By: 9/22/99.

Docket No. **16-0305-9903**, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled. Decreases payment levels for AABD; updates names of cited rule chapters that have changed; exempts transfers of participant's assets by a spouse, after the participant's Medicaid eligibility is established, from the asset transfer penalty. Comment By: 9/22/99.

Docket No. **16-0309-9906**, Rules Governing Medical Assistance. Adds assistive and augmentative communication devices as an element of Medical assistance provided through Medicaid and allows individuals that meet specified medical needs criteria to receive these devices. Comment By: 9/22/99.

Docket No. **16-0310-9903**, Rules Governing Medicaid Provider Reimbursement in Idaho. Defines "on-site" and clarifies other rules. Comment By: 9/22/99.

IDAPA 19 – BOARD OF DENTISTRY
708 ½ W. Franklin St., Boise, ID 83702

Docket No. **19-0101-9901**, Rules of the Idaho State Board of Dentistry. Provides clarification that a dentist must possess an anesthesia permit when utilizing the services of other anesthesia personnel. Comment By: 9/22/99.

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
P.O. Box 83720, Boise, ID 83720-0050

Docket No. **20-0201-9901**, Rules Pertaining to the Idaho Forest Practices Act. Proposes specific requirements for road construction on steep slopes to prevent soil erosion and protect water quality; clarifies road abandonment standards to address roads that may be used in the future or those that will be permanently closed. Comment By: 9/22/99.

IDAPA 25 – OUTFITTERS AND GUIDES LICENSING BOARD
1365 North Orchard, Suite 172, Boise, ID 83706

Docket No. **25-0101-9902**, Rules of the Outfitters and Guides Licensing Board. Provides for a float lead boatman to qualify on a specific reach of a river section instead of an entire section and extends the float time on the river applied for; reduces the number of float boats on section SA4B of the Salmon River; provides for the license amendment procedure. Comment By: 9/25/99.

IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION
P.O. Box 83720, Boise, ID 83720-0065

Docket No. **26-0120-9901**, Rules Governing the Administration of Parks and Recreation Areas and Facilities. Establishes fees and rules for use of lands and facilities administered by the Department and procedures for obtaining individual and group use reservations. Comment By: 9/22/99.

Docket No. **26-0124-9901**, Rules Governing the Administration of the Sawtooth National Recreation Area Special Plate Funds. Establishes procedures for administration of special plate funds including project application, eligibility, review, award and management. Comment By: 9/22/99.

IDAPA 27 – IDAHO BOARD OF PHARMACY
280 N. 8th St., Ste. 204, Boise, ID 83702

Docket No. **27-0101-9902**, Rules of the Board of Pharmacy. Establishes parameters for proper use of pharmacy technicians; allows for Board oversight and discipline of pharmacy technicians, and responsible pharmacists and pharmacies, where technicians act improperly; and establishes mechanism for annual registration. Comment By: 9/22/99.

Docket No. **27-0101-9903**, Rules of the Board of Pharmacy. Allows return of Unit Dose packaged drugs by Licensed Skilled Nursing Care Facilities and Hospitals; and allows storage, for an indefinite period, of non-prescription over-the-counter drugs by Licensed Skilled Nursing Care Facilities.

IDAPA 35 – IDAHO STATE TAX COMMISSION
800 Park, Plaza IV, P.O. Box 36, Boise, ID 83722

Docket No. **35-0101-9901**, Income Tax Administrative Rules. Changes clarify that safe harbor exception to being considered a resident applies to individuals in the military; delete references to "nonresident" and replace with "individual"; clarify when Idaho lottery prizes are not exempt; allow new deduction for married individuals who claim the standard deduction; clarify that for installment sales, the determination of whether the property meets the required holding period is made using the law applicable for the year of the sale; clarify that contributions to a medical savings account each year are limited to the amount deductible for that year; change the number of years for net operating loss carryback periods from 3 years to 2 years and the carry forward periods from 15 years to 20 years; clarify that multistate partnerships apply the principles set by Idaho Code when determining Idaho taxable income; adopt MTC regulations that address net gains from liquid assets and the calculation of the sales factor; clarify the calculation of the dividends elimination of Foreign Sales Corporations (FSC) when a water's edge election is made; specify requirement of rounding on documents; allow a pass-through entity to pay income tax for an electing individual partner or shareholder; provide the payment date for quarterly filers; delete unnecessary information regarding the federal Form W-4. Comment By: 9/22/99.

Docket No. **35-0102-9902**, Idaho State Sales and Use Tax Rules. Changes clarify that sales of computer software maintenance agreements are taxable; clarify rental/ lease trade-ins as applied for sales and use tax; clarify that certain sales of admissions by qualifying non-profit organizations are no longer taxable; clarify when motor vehicles and household goods purchased by non-residents are taxable; define recreational facility and difference between use fees admission fees. Comment By: 8/25/99.

Docket No. **35-0103-9902**, Property Tax Administrative Rules. Removes numerous obsolete rules and rewrites some definitions and citations; requires the person claiming the exemption prove eligibility for the exemption; adds clarification to Category 46 and Category 65 on manufactured housing property; allows for apportionment of homeowner's exemption and circuit breaker benefits, in special situations, when a husband and wife maintain separate primary residences; and deletes that owner occupancy is a requirement to qualify for the exemption and to better define the terms residential improvements and residential property. Comment By: 9/22/99.

Docket No. **35-0103-9903**, Property Tax Administrative Rules. Addresses distribution of revenue and how it relates to school districts, occupancy tax and allocation; boundaries and mapping issues, budget, levy and split values along with base increments, descriptions for urban renewal and revenue allocations purposes, and timing of reports and operator statements. Comment By: 9/22/99.

Docket No. **35-0105-9901**, Motor Fuels Tax Administrative Rules. Requires receipt books, decals and other information necessary to reconcile gaseous fuels permits at end of the reporting period and clarifies information requirements for gaseous fuels permit; specifies reporting, calculation and form required to receive a refund for the special fuels tax when tax-paid undyed diesel fuel is mixed with dyed diesel fuel; clarifies eligibility and reporting requirements for refunds of special fuels users and calculation procedures for non taxable miles and power-take-off allowances. Comment By: 9/22/99.

Docket No. **35-0201-9901**, Administration and Enforcement Rules. Clarifies declaratory rulings provisions; specifies that Tax Commission may issue a decision 42 days after the date the notification of the right to request a hearing is mailed to the taxpayer; adds other identifying numbers to the information required to be included in the written authorization to disclose information. Comment By: 9/22/99.

IDAPA 46 – IDAHO STATE BOARD OF VETERINARY MEDICINE 2270 Old Penitentiary Road, Boise, Idaho 83707

Docket No. **46-0101-9901**, Rules Governing the Board of Veterinary Medical Examiners. Clarifies rules to accurately reflect current practices and standards; identifies labeling requirements for dispensing drugs, medications, and controlled substances; defines unprofessional conduct; and clarifies renewal, reactivation, and reinstatement requirements. Comment By: 9/22/99.

IDAPA 56 – IDAHO RANGELAND RESOURCES COMMISSION P. O. Box 126, Emmett, ID 83617

Docket No. **56-0101-9901**, Rules of Administrative Procedure of the Idaho Rangeland Resources Commission. Establishes rules of administrative procedure for the Idaho Rangeland Resources Commission. Comment By: 9/22/99.

PUBLIC HEARINGS - Public Hearings have been scheduled for the following dockets:

Department of Health and Welfare

Docket No. **16-0101-9905**, Rules for the Control of Air Pollution in Idaho.

Docket No. **16-0109-9901**, Rules Regulating Swine and Poultry Facilities.

Docket No. **16-0319-9901**, Rules Governing Certified Family Homes.

Docket No. **16-0322-9901**, Rules for Licensed Residential and Assisted Living Facilities in Idaho.

Department of Insurance

Docket No. **18-0154-9902**, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act.

Please refer to the Idaho Administrative Bulletin, **September 1, 1999, Volume 99-9** for notices and text of all rulemakings, public hearing schedules, governor's executives orders, and agency contact names.

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